


# Coast Guard Screening and Coordination Process

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| Project Development and<br>Environmental Analysis Branch   |  | Approved: 10/10/11<br>Version: 1.0 |
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## **Purpose**

The replacement of bridges and other transportation structures over and in waters within North Carolina require coordination with the United States Coast Guard (USCG). This procedure describes the coordination process for the Project Development and Environmental Analysis Branch (PDEA).

## **Background**

The USCG/FHWA Memorandum of Understanding on Implementing NEPA, July 17, 1981, states that in order for the resulting environmental document for the project to satisfy the evaluation of impacts upon the human environment set forth by both the FHWA and USCG it is incumbent upon FHWA to initiate early, and maintain continuing, coordination with the Coast Guard throughout the NEPA phase of the project.

Coordination with the USCG cannot be dismissed based on conditions created by existing transportation structures limiting passage. Each project must be evaluated as if passage may be obtained by replacement of the existing transportation structure.

Reference the following laws and regulations for additional information:

[23 CFR 650.805](#) (Bridges Not Requiring a USCG Permit)

[USCG / FHWA Memorandum of Understanding on Implementing NEPA \(July 17, 1981\)](#)

[33 U.S.C. Chapter 11, Sections 525-533](#) (General Bridge Act of 1946)

[23 U.S.C. Chapter 1, Section 144 \(h\)](#) (Highway Bridge Replacement and Rehabilitation Program)

## **Responsibility**

The following people are involved with executing this procedure:

-  PDEA Project Development Engineer
-  Hydraulics Design Engineer (as needed)
-  Structure Design Project Engineer (as needed)
-  Roadway Design Project Engineer

## **Procedures**

For the purpose of coordination with the USCG for the environmental document, the state has been divided into two zones: Zone One includes all counties west of I-95, and Zone Two includes counties containing I-95 and east. Once the PDE determines which zone their project falls in they should follow the appropriate procedure.

### **Procedure 1: Zone One Projects**

1. Notify the FHWA of the intent to replace a structure in/over a waterway using the standard cover letter for [Projects West of I-95](#). Provide the following information:
  - Vicinity Map
  - General description of location (water basin, waterbody name, county, etc.)The conclusion of the letter states that the proposed project is believed to qualify for an exemption under the Coast Guard Authorization Act and requests FHWA concurrence within 3 weeks. Once concurrence is received, NCDOT will notify USCG of the project and FHWA's determination that no USCG permit is required.
2. The USCG is requested to respond within 3 months if they have a comment on the project and the conclusion that no USCG permit is required.

Unless the USCG disagrees that the project qualifies for an exemption under the Coast Guard Authorization Act, no further coordination with them will be required. The response letter should be included in the administrative record for the project and can be summarized in the environmental document.

If the USCG does not agree that the project qualifies for an exemption under the Coast Guard Authorization Act, then additional interagency coordination with the USCG will be required before moving to the procedure for Zone Two Projects.

### **Procedure 2: Zone Two Projects**

For projects east of I-95, one of two methods should be used. The PDE will use the criteria below to determine how to proceed.

1. Evaluate the project site. Answer the following questions. Is the existing or proposed bridge over waters:
  - which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce ?
  - which are (a) not tidal, or (b) if tidal, used only by recreational boating, fishing, and other small vessels less than 21 feet in length?  
Note: Water depth required to float a 21 foot boat is 2 feet.
  - which have areas constrained by downstream impediments (i.e. dams, low bridges, etc.)?

If the project location meets one or more of the above criteria, follow Method One. If the location does not meet any of the criteria or if it is a state-funded project, follow Method Two.

### **Method One**

1. At the scoping meeting or Field Scoping Meeting (FSM) the PDE will inform the other NCDOT representatives that the proposed bridge has the potential to require a Coast Guard permit.

Discuss:

- Maintaining the existing hydraulic opening for the main channel
  - Whether there is a need to lower the existing bridge elevation in order to avoid impacts to the floodplain.
  - Whether there is the potential that the bridge will need to provide a larger opening based on the surrounding conditions (e.g. marina upstream, shipping industries, commercial fishing).
2. Gather the required site condition information outlined in the [USCG-FHWA Worksheet](#). Provide it to FHWA along with the [USCG-FHWA Cover Letter](#) requesting that FHWA concur with the NCDOT conclusion that a USCG permit is not required based on the specific site conditions for this project. . The request to FHWA should be submitted within 30 days following the FSM.
  3. FHWA will review the information. If they agree that the project site conditions meet the criteria set forth in 23 USC 144(h) and that FHWA has fulfilled their responsibility of determining that a USCG permit is not required, the PDE will notify USCG that proposed project is believed to qualify for an exemption under the Coast Guard Authorization Act. . If the FHWA does not agree with the PDE's assessment, they will inform the PDE in writing and the PDE will proceed to Method Two.
  3. The USCG is requested to respond within 3 months if they have a comment on the project and the conclusion that no USCG permit is required. Unless the USCG disagrees that the project qualifies for an exemption under the Coast Guard Authorization Act, no further coordination with them will be required. The final USCG concurrence letter should be included in the administrative record for the project and summarized in the environmental document.
  4. If the USCG does not concur with FHWA, proceed to Method Two.

### **Method Two:**

1. At the Scoping Meeting or Field Scoping Meeting (FSM) the PDE will inform the other NCDOT representatives that the proposed bridge has the potential to require a Coast Guard permit.

Discuss:

  - Maintaining the existing hydraulic opening for the main channel
  - Whether there is a need to lower the existing bridge elevation in order to avoid impacts to the floodplain.
  - Whether there is the potential that the bridge will need to provide a larger opening based on the surrounding conditions (e.g. marina upstream, shipping industries, commercial fishing).

The results of this discussion will assist you in preparing the request to the USCG for a Preliminary Public Notice for Navigational Purposes (PPN). The preliminary public notice allows USCG and NCDOT to collect early information from the public regarding the proposed main channel opening.
2. Request a GIS mailing list of all property holders within a 0.5 mile radius of the bridge location. Use the "Requesting a Mailing List" procedure. The property owners may already be included in a previous GIS mailing list for the project, but verify to make sure. The PDE may need to add additional businesses / addresses which may show or have shown interest outside of the 0.5 mile radius.

3. Prepare the letter to the USCG requesting them to prepare and advertise a PPN. The letter to the USCG states that the project falls within an area that may require a Coast Guard Permit and requests them to prepare and advertise the PPN. If the project will require an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), the letter should also request the USCG become a cooperating agency. Provide the following:

- GIS mailing list
- Background information
- Vicinity map (do not use local SR numbers, provide road names)
- Proposed main channel opening. Use words to describe, not a sketch.
- 100 year flood elevation
- Normal Water Elevation along with low and high tide if applicable

The packet is sent to Mr. Waverly Gregory, Jr., USCG Bridge Administrator by e-mail. His e-mail address is [Waverly.W.Gregory@uscg.mil](mailto:Waverly.W.Gregory@uscg.mil)

4. The USCG will advertise the Preliminary Public Notice for Navigational Opening and request interested parties to comment.
5. The USCG will inform NCDOT of the comments received (favorable or unfavorable).
  - If the comments were favorable, the USCG will state that it is comfortable with NCDOT proceeding with the design as indicated. Proceed with the project.
  - If the comments were unfavorable, NCDOT and the USCG will pursue coordination with the parties concerned. Proceed to Step 6.

Note: The USCG will consider comments from the PPN to be valid for a limited, discretionary period; likely a 5 year period, to the start of construction. The request for the Preliminary Public Notice should be timed accordingly.

6. The PDE will coordinate further with NCDOT's Hydraulic Design Unit, Structure Design Unit, Roadway Design Unit and USCG to address the concerns raised by the public during the comment period. In cases where NCDOT/FHWA and USCG cannot agree on how to address the concerns raised by the public, the issue will be elevated to uPDEr management for final determination.
7. The PDE will not be responsible for obtaining a Coast Guard permit or advanced Authorization during the project development phase of the project.
8. The PDE will add a commitment to the Project Commitments in the document similar to:

#### ***Natural Environment Unit / Structure Design***

*The Natural Environment Unit will coordinate with the Structure Design Unit, upon completion of their design, to obtain either a Coast Guard permit or Advanced Approval for the project.*

The PDE will ensure the response letter is included in the administrative record for the project and summarize the coordination with USCG in the environmental document.

### **Contacts**

- For suggestions to change this procedure contact: Karen Capps, [kbcapps@ncdot.gov](mailto:kbcapps@ncdot.gov)

- For questions about performing this procedure contact: Tracy Walter, [twalter@ncdot.gov](mailto:twalter@ncdot.gov); Bill Goodwin, [bgoodwin@ncdot.gov](mailto:bgoodwin@ncdot.gov) ; Clarence Coleman, [Clarence.Colman@dot.gov](mailto:Clarence.Colman@dot.gov)

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